

## Andrew Jackson to James Monroe, August 19, 1818, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

### TO PRESIDENT MONROE.<sup>1</sup>

<sup>1</sup> This letter was published by Calhoun in the *United States Telegraph*, Feb. 17, 1831, and from that paper widely reprinted. It is also in *Niles' Register*, XL. 21.

Confidential

Nashville, August 19, 1818.

*Sir:* Your letter of the 19th July apprising me of the course to be pursued in relation to the Floridas, has been recieved. In a future communication, it is my intention to submit my views of all the questions springing from the subject, with the fullness and candour which the importance of the topic, and the part I have acted in it, demand. At present, I will confine myself to a consideration of a part of your letter which has a particular bearing on myself, and which seems to have originated in a misconception of the import of the order, under which I commenced the Seminole Campaign. In making this examination, I will use all the freedom which is courted by your letter; and which I deem necessary to afford you a clear view of the construction which was given to the order and the motives under which I proceeded to execute its intentions.

It is stated in the second paragraph of your letter, that I *transcended the limits of my orders*, and that I *acted on my own responsibility*. To these two points, I mean at present to confine myself. But, before entering on the proofs of their inapplicability to my acts in Florida, allow me fairly to state, that the assumption of responsibility will never be shrunk from, when the public interest can be thereby promoted. I have passed through

## Library of Congress

difficulties and exposures for the honor and benefit of my country, and whenever still, for this purpose, it shall become necessary to assume a further liability, no scruple will be urged or felt. But when it shall be required of me to do so, and the result shall be danger and injury to that country, the inducement will be lost and my consent will be wanting.

This principle is held to be incontrovertible—that an order, generally, to perform a certain service, or effect a certain object, without any specification of the means to be adopted, or the limits to govern the executive officer—leaves an *entire discretion* with the officer, as to the choice and application of means, but preserves the responsibility, for his acts, in the authority from which the order emanated. Under such an order, *all the acts* of the inferior are the acts of the Superior—and in no way, can the subordinate officer be impeached for his measures, except on the score of deficiency in judgment and skill. It is also a grammatical truth that the limits of such an order cannot be *transcended* without an entire desertion of the objects it contemplated. For as long as the main, legitimate design is kept in view, the *policy* of the measures, adopted to accomplish it, is alone to be considered.

If these be adopted as the proper rules of construction, and we apply them to my order of Dec: 26, it will be at once seen, that, both in description and operative principle, they embrace that order exactly. The requisitions of this order are, for the Comg Genl. to assume the immediate command at Fort Scott—to concentrate all the contiguous and disposable force of the Division upon that quarter, to call on the Executives of adjacent states for an auxiliary militia force and concludes with this general, comprehensive command—“With this view, you may be prepared to concentrate your forces, and adopt the *necessary measures* to terminate a conflict which it has ever been the desire of the President, from motives of humanity, to avoid, but which is now made necessary by their settled hostilities.”

In no part of this document, is there a reference to any previous order, either to myself or another officer, with a view to point out to me the measures thought advisable, or the limits of my power in choosing and effecting them. It states that Gen: Gaines had been ordered

## Library of Congress

to Amelia island; and then proceeds to inform me that “subsequent orders have been given to Gen: Gaines (of which copies *will be* furnished you) that you would be directed to take the Command and directing him to reassume, should he deem the public interest to require it, the command at Fort Scott untill you should arrive there”—lastly, it mentions that “he was instructed to penetrate to the Seminole Towns through the Floridas, provided the strength of his command at Amelia, would justify his engaging in offensive operations.

The principle determining the weight of *references* , in subsequent orders, to instructions previously given, is well settled. Such references are usually made with one of these two intentions. Either the order is given to a second officer, to effect a certain purpose, which was intended to be effected by another officer, and the instructions of the first are referred to as the guide of the second—or the order contains, and is designed for an extension of authority, and only refers to anterior communications to give a full view of what has been previously attempted and performed. In the first case, it is always necessary to connect the different orders by a specific provision—that no doubt may exist as to the extent of the command; and thus, the several requisitions and instructions are amalgamated, and the limits of the agent plainly and securely established. In the second, no such provision is necessary—for an entire discretion in the choice and use of means being previously vested—the reference, if there be any, is only descriptive of the powers antecedently given and the results of measures attempted under such specified limitation.

But admitting that in my order of Dec 26, there is such a reference as I contemplate in the first case—allow me to examine its character and amount. It is stated that “orders have been given to Gen: Gaines (copies of which *will be* furnished you)” but without affirming that they are to be considered as binding me, or in any way connected with the comprehensive command that I should “terminate the Seminole conflict.” On the contrary, so far are they from being designated as my guide and limit in entering Florida, that in stating their substance, in the ensuing sentence, no allusion whatever is made either to *means* or *limitation* .

## Library of Congress

How then, can it be said, with propriety, that I have *transcended the limits of my orders* or *acted on my own responsibility* ? My order was as comprehensive as it could be, and contained neither minute original instructions, nor a reference to others, previously given, to guide and govern me. The fullest discretion was left with me in the selection and application of means to effect the specified, legitimate objects of the Campaign; and for the exercise of a sound discretion, on principles of policy, am I alone responsible. But allow me to repeat, that responsibility is not feared by me if the General good requires its assumption. I never have shrunk from it, and never will—but against its imposition on me contrary to principle, and without the prospect of any politic result, I must contend with all the feelings of a soldier and a citizen.<sup>2</sup> Being advised that you are at your country seat in Loudon, where I expect this will reach you, I enclose you a copy of the order to me of the 26th Decbr. 1817, and copies of the orders to Genl Gains therein refered to; from a perusal of which, you will perceive that the order to me, has no reference to those prohibitory orders to Genl Gains, that you have refered to.

<sup>2</sup> From this place to the end the handwriting is Jackson's. The whole letter seems to be a draft.

It will afford me pleasure to aid the Govert, in procuring any Testimony that may be necessary to prove the hostility of the officers of Spain to the united states. I had supposed that the evidence furnished had established that fact, that the officers of Spain had Identified themselves with our enemy, and that St Marks and Pensacola were under the compleat controle of the Indians, altho the Governor of Pensacola at least, had force sufficient to have controled the Indians, had he choose to have used it in that way—for the purpose of procuring the necessary evidence of the hostile acts of the Govr. of Pensacola, I dispatched Capt Young Topo. Engineer, and as soon as obtained will be furnished you.

I trust on a view of all my communications (copies of which have been forwarded you by Capt Gadsden) you will find that they do not bear the construction you have given them. They were written under bad health, great fatigue, and in great haste—my bad health

## Library of Congress

continues, I labour under great bodily debility. Accept assurances of my sincere regard and Esteem and am respectfully

yr m[o] ob servt